

EXHIBIT C

CONDON & FORSYTH LLP

NEW YORK
LOS ANGELES

Direct Dial: (212) 894-6750
Direct Fax: (212) 370-4453
mturner@condonlaw.com

September 14, 2007

VIA FACSIMILE (248) 351-3082
Confirmation Copy to Follow Via U.S. Mail

Scott R. Torpey, Esq.
Jaffe, Raitt, Heuer & Weiss
27777 Franklin Road, Suite 2500
Southfield, MI 48034-8214

VIA FACSIMILE (714) 285-9700
Confirmation Copy to Follow Via U.S. Mail

Jeffrey A. Worthe, Esquire
Worthe, Hanson & Worthe
The Xerox Centre
1851 East First Street, Ninth Floor
Santa Ana, CA 92705

Re: All Nippon Airways Company, Ltd. v. United Air Lines, Inc.
United States District Court for the Northern District of California
Case No. C 07 3422 EDL
C & F Ref.: MST/05901

Dear Gentlemen:

I am writing in response to Mr. Torpey's letter dated September 12, 2007 and the deposition notices attached thereto. As I informed you in my emails of August 21, 2007 and August 28, 2007 and my letters of August 30, 2007 and September 7, 2007, at least two, if not all three, members of ANA's flight crew will be available for deposition on the dates you requested, November 27 through November 29. We will let you know closer to that time, when the flight crews' schedules become fixed, whether we will be able to produce all three witnesses. If one of these three witnesses is not available, we will let you know and provide alternate dates as soon as possible.

Further to my letter of August 30, 2007, and your request for a "PMK," no such witness will be provided unless you can explain how the Ground Handling Agreement referred to in and attached to your Counter-Complaint could have any relevance to any issue in this case and why any question regarding this agreement cannot be answered through interrogatories or admissions.

CONDON & FORSYTH LLP

Torpey/Worthe
September 14, 2007
Page 2

Attached please find deposition notices for United's flight crew, ramp controller, and tug driver. We have requested that United provide dates for these depositions on multiple occasions and no dates have been provided. Accordingly, we have selected our own dates, which are reflected in the attached notices. Please advise if the United witnesses are unavailable on these dates and on what dates they will be available and we will be happy to reschedule their depositions for mutually convenient dates at a location convenient to the witnesses.

Thank you for your anticipated cooperation in this regard.

Sincerely yours,



Marshall S. Turner

MST/hlj
Enclosure

cc: Walt Kopas
Frank Silane
Scott Cunningham

1 Frank A. Silane (State Bar No.: 90940)
Rod D. Margo (State Bar No.: 97706)
2 Scott D. Cunningham (State Bar No.: 200413)
CONDON & FORSYTH LLP
3 1901 Avenue of the Stars, Suite 850
Los Angeles, California 90067-6010
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Facsimile: (310) 557-1299
5 Email: fsilane@condonlaw.com
Email: rmargo@condonlaw.com
6 Email: scunningham@condonlaw.com

7 -and-

8 Marshall S. Turner (*pro hac vice*)
CONDON & FORSYTH LLP
9 7 Times Square
New York, NY 10036
10 Telephone: (212) 490-9100
Facsimile: (212) 370-4453
11 Email: mturner@condonlaw.com

12 Attorneys for Plaintiff
ALL NIPPON AIRWAYS COMPANY, LTD.

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 ALL NIPPON AIRWAYS COMPANY,)
LTD.,)

17 Plaintiff,

18 vs.

19 UNITED AIR LINES, INC.,)

20 Defendant.)

Case No. C07-03422 EDL

NOTICE OF DEPOSITION

21 PLEASE TAKE NOTICE that Plaintiff, ALL NIPPON AIRWAYS
22 COMPANY, LTD. (hereinafter referred to as "ANA"), will take the videotaped
23 oral deposition of Julio Hernandez commencing on Tuesday, December 11, 2007 at
24 10:00 a.m. and continuing from day to day until completed.

25 The above deposition will be taken before a court reporter authorized to
26 administer oaths in the State of California at Condon & Forsyth LLP, 1901 Avenue
27 of the Stars, Suite 850, Los Angeles, CA 90067.
28

1 PLEASE TAKE FURTHER NOTICE that the witness shall bring with him
2 to the deposition all original documents identified in Schedule "A" attached to this
3 notice.
4
5
6
7

8 Dated: September 14, 2007

CONDON & FORSYTH LLP

9
10 By: 

FRANK A. SILANE

ROD D. MARGO

SCOTT D. CUNNINGHAM

MARSHALL S. TURNER (*pro hac vice*)

Attorneys for Plaintiff

ALL NIPPON AIRWAYS COMPANY, LTD.

1901 Avenue of the Stars, Suite 850
Los Angeles, California 90067-6010
Telephone: (310) 557-2030

SCHEDULE "A"

The term "documents" as used herein means writings of every kind and character including correspondence, transcripts, summaries, notes, letters, memoranda, opinions, reports, tabulations, statements, photographs, drawings, charts, graphs, models, information stored in or generated by computer programs, bulletins, books, schedules, compilations, lists, worksheets, records of any communications, conversations or conferences, telegrams, appointment books, calendars, diaries, audio or video tape recordings, manuals, ledgers and journals. It is requested that all such documents be brought with the deponent, whether or not the deponent or any party will claim that any such document is protected from discovery by the attorney/client privilege or work product rule. The use of the term "documents" includes the original of such writings and any copies which bear notations or information in addition to that contained in the original. A document is deemed to be in custody or control of the witness if such witness has a right to secure the document or a copy thereof from any person or any public or private entity having actual physical possession thereof.

DOCUMENTS TO BE PRODUCED


1. The entire contents of the deponent's file concerning the subject accident which took place on October 7, 2003 at San Francisco International Airport.
2. Any and all documents regarding the subject flight and accident and the investigation thereof.
3. The deponent's training and personnel records, including but not limited to documents pertaining to any accident or incident involving the deponent and any disciplinary action against the deponent.

CERTIFICATE OF SERVICE

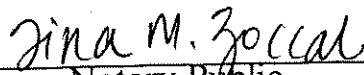
The undersigned certifies that a copy of the foregoing **PLAINTIFF ALL NIPPON AIRWAYS NOTICE OF DEPOSITION OF JULIO HERNANDEZ** was mailed this 14 day of September, 2007, to:

Scott R. Torpey, Esq. Jaffe, Raitt, Heuer & Weiss 2777 Franklin Road, Suite 2500 Southfield, MI 48034-8214 Phone: (248) 727-1461 Fax: (248) 351-3082	Attorneys for defendant
Jeffrey A. Worthe, Esq. Worthe, Hanson & Worthe The Xerox Centre 1851 East First Street, Ninth Floor Santa Ana, CA 92705	Attorneys for defendant

in a properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.


HEATHER L. JACKSON

Sworn to before me this
 14th day of September, 2007


 Notary Public

TINA M. ZOCCALI
 Notary Public, State of New York
 No. 01ZO6059025
 Qualified in Rockland County
 Commission Expires May 21, 20 11

1 Frank A. Silane (State Bar No.: 90940)
Rod D. Margo (State Bar No.: 97706)
2 Scott D. Cunningham (State Bar No.: 200413)
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3 1901 Avenue of the Stars, Suite 850
Los Angeles, California 90067-6010
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Facsimile: (310) 557-1299
5 Email: fsilane@condonlaw.com
Email: rmargo@condonlaw.com
6 Email: scunningham@condonlaw.com

7 -and-

8 Marshall S. Turner (*pro hac vice*)
CONDON & FORSYTH LLP
9 7 Times Square
New York, NY 10036
10 Telephone: (212) 490-9100
Facsimile: (212) 370-4453
11 Email: mturner@condonlaw.com

12 Attorneys for Plaintiff
ALL NIPPON AIRWAYS COMPANY, LTD.

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 ALL NIPPON AIRWAYS COMPANY,)
LTD.,)

17 Plaintiff,

18 vs.

19 UNITED AIR LINES, INC.,)

20 Defendant.)

Case No. C07-03422 EDL

NOTICE OF DEPOSITION

21 PLEASE TAKE NOTICE that Plaintiff, ALL NIPPON AIRWAYS
22 COMPANY, LTD. (hereinafter referred to as "ANA"), will take the oral
23 deposition of Edward Loh commencing on Wednesday, December 12, 2007 at 10:00
24 a.m. and continuing from day to day until completed.

25 The above deposition will be taken before a court reporter authorized to
26 administer oaths in the State of California at Condon & Forsyth LLP, 1901 Avenue
27 of the Stars, Suite 850, Los Angeles, CA 90067.
28

1 PLEASE TAKE FURTHER NOTICE that the witness shall bring with him
2 to the deposition all original documents identified in Schedule "A" attached to this
3 notice.
4
5
6
7

8 Dated: September 14, 2007

CONDON & FORSYTH LLP

9
10 By: 

11 FRANK A. SILANE

12 ROD D. MARGO

SCOTT D. CUNNINGHAM

13 MARSHALL S. TURNER (*pro hac vice*)

14 Attorneys for Plaintiff

ALL NIPPON AIRWAYS COMPANY, LTD.
15
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SCHEDULE "A"

The term "documents" as used herein means writings of every kind and character including correspondence, transcripts, summaries, notes, letters, memoranda, opinions, reports, tabulations, statements, photographs, drawings, charts, graphs, models, information stored in or generated by computer programs, bulletins, books, schedules, compilations, lists, worksheets, records of any communications, conversations or conferences, telegrams, appointment books, calendars, diaries, audio or video tape recordings, manuals, ledgers and journals. It is requested that all such documents be brought with the deponent, whether or not the deponent or any party will claim that any such document is protected from discovery by the attorney/client privilege or work product rule. The use of the term "documents" includes the original of such writings and any copies which bear notations or information in addition to that contained in the original. A document is deemed to be in custody or control of the witness if such witness has a right to secure the document or a copy thereof from any person or any public or private entity having actual physical possession thereof.

DOCUMENTS TO BE PRODUCED

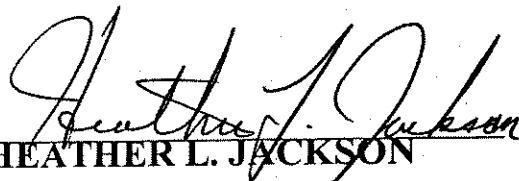
1. The entire contents of the deponent's file concerning the subject accident which took place on October 7, 2003 at San Francisco International Airport.
2. Any and all documents regarding the subject flight and accident and the investigation thereof.
3. The deponent's training and personnel records, including but not limited to documents pertaining to any accident or incident involving the deponent and any disciplinary action against the deponent.

CERTIFICATE OF SERVICE

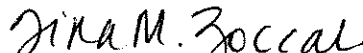
The undersigned certifies that a copy of the foregoing **PLAINTIFF ALL NIPPON AIRWAYS NOTICE OF DEPOSITION OF EDWARD LOH** was mailed this 14 day of September, 2007, to:

Scott R. Torpey, Esq. Jaffe, Raitt, Heuer & Weiss 2777 Franklin Road, Suite 2500 Southfield, MI 48034-8214 Phone: (248) 727-1461 Fax: (248) 351-3082	Attorneys for defendant
Jeffrey A. Worthe, Esq. Worthe, Hanson & Worthe The Xerox Centre 1851 East First Street, Ninth Floor Santa Ana, CA 92705	Attorneys for defendant

in a properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.


 HEATHER L. JACKSON

Sworn to before me this
 14th day of September, 2007


 Notary Public

TINA M. ZOCCALI
 Notary Public, State of New York
 No. 01ZO6059025
 Qualified in Rockland County
 Commission Expires May 21, 2011

1 Frank A. Silane (State Bar No.: 90940)
Rod D. Margo (State Bar No.: 97706)
2 Scott D. Cunningham (State Bar No.: 200413)
CONDON & FORSYTH LLP
3 1901 Avenue of the Stars, Suite 850
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Email: rmargo@condonlaw.com
6 Email: scunningham@condonlaw.com

7 -and-

8 Marshall S. Turner (*pro hac vice*)
CONDON & FORSYTH LLP
9 7 Times Square
New York, NY 10036
10 Telephone: (212) 490-9100
Facsimile: (212) 370-4453
11 Email: mturner@condonlaw.com

12 Attorneys for Plaintiff
ALL NIPPON AIRWAYS COMPANY, LTD.
13

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 ALL NIPPON AIRWAYS COMPANY,)	Case No. C07-03422 EDL
LTD.,)	
17 Plaintiff,)	NOTICE OF DEPOSITION
18 vs.)	
19 UNITED AIR LINES, INC.,)	
20 Defendant.)	

21 PLEASE TAKE NOTICE that Plaintiff, ALL NIPPON AIRWAYS
22 COMPANY, LTD. (hereinafter referred to as "ANA"), will take the oral
23 deposition of John Rediger commencing on Thursday, December 13, 2007 at 10:00
24 a.m. and continuing from day to day until completed.

25 The above deposition will be taken before a court reporter authorized to
26 administer oaths in the State of California at Condon & Forsyth LLP, 1901 Avenue
27 of the Stars, Suite 850, Los Angeles, CA 90067.
28

1 PLEASE TAKE FURTHER NOTICE that the witness shall bring with him
2 to the deposition all original documents identified in Schedule "A" attached to this
3 notice.
4
5
6

7 Dated: September 14, 2007

CONDON & FORSYTH LLP

8
9 By: 

10 FRANK A. SILANE

11 ROD D. MARGO

SCOTT D. CUNNINGHAM

12 MARSHALL S. TURNER (*pro hac vice*)

13 Attorneys for Plaintiff

14 ALL NIPPON AIRWAYS COMPANY, LTD.
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SCHEDULE "A"

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DOCUMENTS TO BE PRODUCED

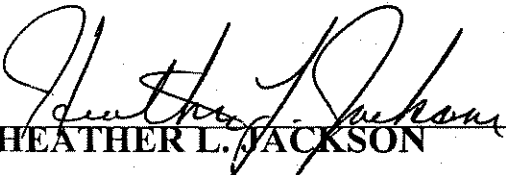
1. The entire contents of the deponent's file concerning the subject accident which took place on October 7, 2003 at San Francisco International Airport.
2. Any and all documents regarding the subject flight and accident and the investigation thereof.
3. The deponent's training and personnel records, including but not limited to documents pertaining to any accident or incident involving the deponent and any disciplinary action against the deponent.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **PLAINTIFF ALL NIPPON AIRWAYS NOTICE OF DEPOSITION OF JOHN REDIGER** was mailed this 14 day of September, 2007, to:

Scott R. Torpey, Esq. Jaffe, Raitt, Heuer & Weiss 2777 Franklin Road, Suite 2500 Southfield, MI 48034-8214 Phone: (248) 727-1461 Fax: (248) 351-3082	Attorneys for defendant
Jeffrey A. Worthe, Esq. Worthe, Hanson & Worthe The Xerox Centre 1851 East First Street, Ninth Floor Santa Ana, CA 92705	Attorneys for defendant

in a properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.


HEATHER L. JACKSON

Sworn to before me this
14th day of September, 2007


Notary Public

TINA M. ZOCCALI
Notary Public, State of New York
No. 01ZO6059025
Qualified in Rockland County
Commission Expires May 21, 20 11

1 Frank A. Silane (State Bar No.: 90940)
Rod D. Margo (State Bar No.: 97706)
2 Scott D. Cunningham (State Bar No.: 200413)
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Facsimile: (310) 557-1299
5 Email: fsilane@condonlaw.com
Email: rmargo@condonlaw.com
6 Email: scunningham@condonlaw.com

7 -and-

8 Marshall S. Turner (*pro hac vice*)
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9 7 Times Square
New York, NY 10036
10 Telephone: (212) 490-9100
Facsimile: (212) 370-4453
11 Email: mturner@condonlaw.com

12 Attorneys for Plaintiff
ALL NIPPON AIRWAYS COMPANY, LTD.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 ALL NIPPON AIRWAYS COMPANY,)
LTD.,)
17 Plaintiff,)
18 vs.)
19 UNITED AIR LINES, INC.,)
20 Defendant.)

Case No. C07-03422 EDL

NOTICE OF DEPOSITION

21 PLEASE TAKE NOTICE that Plaintiff, ALL NIPPON AIRWAYS
22 COMPANY, LTD. (hereinafter referred to as "ANA"), will take the oral
23 deposition of Brad Powell commencing on Tuesday, December 18, 2007 at 10:00
24 a.m. and continuing from day to day until completed.

25 The above deposition will be taken before a court reporter authorized to
26 administer oaths in the State of California at Condon & Forsyth LLP, 1901 Avenue
27 of the Stars, Suite 850, Los Angeles, CA 90067.
28

1 PLEASE TAKE FURTHER NOTICE that the witness shall bring with him
2 to the deposition all original documents identified in Schedule "A" attached to this
3 notice.
4
5
6
7

8 Dated: September 14, 2007

CONDON & FORSYTH LLP

9
10 By: 

FRANK A. SILANE

ROD D. MARGO

SCOTT D. CUNNINGHAM

MARSHALL S. TURNER (*pro hac vice*)

Attorneys for Plaintiff

ALL NIPPON AIRWAYS COMPANY, LTD.

SCHEDULE "A"

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DOCUMENTS TO BE PRODUCED

1. The entire contents of the deponent's file concerning the subject accident which took place on October 7, 2003 at San Francisco International Airport.
2. Any and all documents regarding the subject flight and accident and the investigation thereof.
3. The deponent's training and personnel records, including but not limited to documents pertaining to any accident or incident involving the deponent and any disciplinary action against the deponent.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **PLAINTIFF ALL NIPPON AIRWAYS NOTICE OF DEPOSITION OF BRAD POWELL** was mailed this 14 day of September, 2007, to:

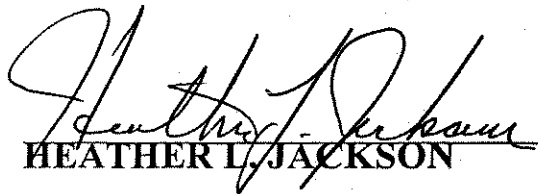
Scott R. Torpey, Esq.
Jaffe, Raitt, Heuer & Weiss
2777 Franklin Road, Suite 2500
Southfield, MI 48034-8214
Phone: (248) 727-1461
Fax: (248) 351-3082

Attorneys for defendant

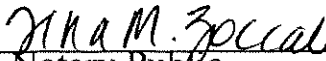
Jeffrey A. Worthe, Esq.
Worthe, Hanson & Worthe
The Xerox Centre
1851 East First Street, Ninth Floor
Santa Ana, CA 92705

Attorneys for defendant

in a properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.


HEATHER L. JACKSON

Sworn to before me this
14th day of September, 2007


Notary Public

TINA M. ZOCCALI
Notary Public, State of New York
No. 01ZO6059025
Qualified in Rockland County 11
Commission Expires May 21, 20 11

1 Frank A. Silane (State Bar No.: 90940)
Rod D. Margo (State Bar No.: 97706)
2 Scott D. Cunningham (State Bar No.: 200413)
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Facsimile: (212) 370-4453
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12 Attorneys for Plaintiff
ALL NIPPON AIRWAYS COMPANY, LTD.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 ALL NIPPON AIRWAYS COMPANY,)
LTD.,)
17 Plaintiff,)
18 vs.)
19 UNITED AIR LINES, INC.,)
20 Defendant.)

Case No. C07-03422 EDL

NOTICE OF DEPOSITION

21 PLEASE TAKE NOTICE that Plaintiff, ALL NIPPON AIRWAYS
22 COMPANY, LTD. (hereinafter referred to as "ANA"), will take the oral
23 deposition of Scott M. Russell commencing on Wednesday, December 19, 2007 at
24 10:00 a.m. and continuing from day to day until completed.

25 The above deposition will be taken before a court reporter authorized to
26 administer oaths in the State of California at Condon & Forsyth LLP, 1901 Avenue
27 of the Stars, Suite 850, Los Angeles, CA 90067.
28

1 PLEASE TAKE FURTHER NOTICE that the witness shall bring with him
2 to the deposition all original documents identified in Schedule "A" attached to this
3 notice.
4
5
6
7

8 Dated: September 14, 2007

CONDON & FORSYTH LLP

9
10 By: 

11 FRANK A. SILANE

12 ROD D. MARGO

SCOTT D. CUNNINGHAM

13 MARSHALL S. TURNER (*pro hac vice*)

14 Attorneys for Plaintiff

ALL NIPPON AIRWAYS COMPANY, LTD.
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SCHEDULE "A"

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DOCUMENTS TO BE PRODUCED

1. The entire contents of the deponent's file concerning the subject accident which took place on October 7, 2003 at San Francisco International Airport.
2. Any and all documents regarding the subject flight and accident and the investigation thereof.
3. The deponent's training and personnel records, including but not limited to documents pertaining to any accident or incident involving the deponent and any disciplinary action against the deponent.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **PLAINTIFF ALL NIPPON AIRWAYS NOTICE OF DEPOSITION OF SCOTT M. RUSSELL**

was mailed this 14 day of September, 2007, to:

Scott R. Torpey, Esq. Jaffe, Raitt, Heuer & Weiss 2777 Franklin Road, Suite 2500 Southfield, MI 48034-8214 Phone: (248) 727-1461 Fax: (248) 351-3082	Attorneys for defendant
Jeffrey A. Worthe, Esq. Worthe, Hanson & Worthe The Xerox Centre 1851 East First Street, Ninth Floor Santa Ana, CA 92705	Attorneys for defendant

in a properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.


HEATHER L. JACKSON

Sworn to before me this
14th day of September, 2007


Notary Public

TINA M. ZOCCALI
Notary Public, State of New York
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Commission Expires May 21, 20 11